

SENATE BILL 319

B5

0lr0594
CF HB 915

By: **Senators Miller, Currie, McFadden, Astle, DeGrange, Della, Dyson, Exum, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, King, Klausmeier, Kramer, Lenett, Madaleno, Middleton, Peters, Pinsky, Pugh, Raskin, Robey, and Rosapepe**

Introduced and read first time: January 27, 2010

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 11, 2010

CHAPTER _____

1 AN ACT concerning

2 **African American Heritage Preservation Program**

3 FOR the purpose of establishing the African American Heritage Preservation Program
4 in the Maryland Historical Trust to identify and preserve certain buildings,
5 communities, and sites of historical and cultural importance to the African
6 American experience; requiring the Trust to develop and administer the
7 Program in ~~consultation~~ partnership with the Commission on African American
8 History and Culture; authorizing certain entities to submit, on or before a
9 certain date, an application to receive a grant for an African American heritage
10 preservation capital project; requiring that grants to certain grantees under the
11 Program require a certain matching fund; requiring the Trust and Commission
12 to review grant applications ~~before a certain date and make certain~~
13 ~~recommendations to the Commission~~ and consider certain factors; requiring the
14 Trust and Commission ~~to approve~~, on or before a certain date, to recommend
15 capital projects for funding in the State capital budget and forward the
16 recommendations to the Department of Budget and Management; requiring the
17 Governor to include certain funding in the annual capital budget submission;
18 requiring the Trust and Commission to report to the Governor and General
19 Assembly on or before a certain date; requiring a grantee under the Program to
20 enter into a certain agreement, unless the requirement is waived by the
21 Secretary of Planning; requiring the ~~Trust~~ Secretary, in consultation with the
22 Commission, to adopt certain regulations to implement the Program; providing

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 that certain regulations may not be adopted unless approved by the Board of
 2 Public Works; requiring the Trust and Commission, to the extent required by
 3 certain regulations, to submit grants recommended under the Program to the
 4 Board of Public Works for approval; defining certain terms; stating the intent of
 5 the General Assembly; providing for the termination of this Act; and generally
 6 relating to a State capital grant program for African American heritage
 7 preservation.

8 BY adding to
 9 Article – State Finance and Procurement
 10 Section 5A–330
 11 Annotated Code of Maryland
 12 (2009 Replacement Volume)

13 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 14 MARYLAND, That the Laws of Maryland read as follows:

15 **Article – State Finance and Procurement**

16 **5A–330.**

17 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE
 18 MEANINGS INDICATED.

19 (2) “CAPITAL PROJECT” MEANS THE:

20 (I) ACQUISITION OF LAND OR BUILDINGS FOR AN
 21 AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT; OR

22 (II) CONSTRUCTION OR IMPROVEMENT OF AN
 23 AFRICAN AMERICAN HERITAGE PRESERVATION PROJECT.

24 (3) “COMMISSION” MEANS THE COMMISSION ON
 25 AFRICAN AMERICAN HISTORY AND CULTURE.

26 (4) “CONSTRUCTION OR IMPROVEMENT” MEANS PLANNING,
 27 DESIGN, ENGINEERING, ALTERATION, CONSTRUCTION, RECONSTRUCTION,
 28 ENLARGEMENT, EXPANSION, EXTENSION, IMPROVEMENT, REPLACEMENT,
 29 REHABILITATION, RENOVATION, UPGRADING, REPAIR, OR CAPITAL EQUIPPING.

30 (5) “GRANTEE” MEANS A BUSINESS ENTITY, INDIVIDUAL,
 31 NONPROFIT ORGANIZATION, OR POLITICAL SUBDIVISION.

32 (6) “SECRETARY” MEANS THE SECRETARY OF PLANNING.

1 (B) (1) THERE IS AN AFRICAN AMERICAN HERITAGE PRESERVATION
2 PROGRAM IN THE TRUST.

3 (2) THE PURPOSE OF THE AFRICAN AMERICAN HERITAGE
4 PRESERVATION PROGRAM IS TO IDENTIFY AND PRESERVE BUILDINGS,
5 COMMUNITIES, AND SITES OF HISTORICAL AND CULTURAL IMPORTANCE TO THE
6 AFRICAN AMERICAN EXPERIENCE IN MARYLAND.

7 (C) THE TRUST SHALL DEVELOP AND ADMINISTER THE
8 AFRICAN AMERICAN HERITAGE PRESERVATION PROGRAM IN ~~CONSULTATION~~
9 PARTNERSHIP WITH THE COMMISSION.

10 (D) (1) ON OR BEFORE JULY 15 OF EACH YEAR, A GRANTEE MAY
11 SUBMIT AN APPLICATION TO THE ~~TRUST~~ JOINT PARTNERSHIP OF THE TRUST
12 AND COMMISSION TO RECEIVE A GRANT FOR AN AFRICAN AMERICAN HERITAGE
13 PRESERVATION CAPITAL PROJECT FOR THE NEXT FISCAL YEAR.

14 (2) AN APPLICATION SHALL INCLUDE:

15 (I) A DESCRIPTION OF THE SCOPE AND PURPOSE OF THE
16 PROJECT;

17 (II) A BUILDING PLAN THAT INCLUDES THE ESTIMATED
18 TOTAL COST OF THE PROJECT; AND

19 (III) ANY OTHER INFORMATION REQUIRED BY THE TRUST
20 AND COMMISSION.

21 (E) GRANTS UNDER THE PROGRAM TO A BUSINESS ENTITY,
22 INDIVIDUAL, OR POLITICAL SUBDIVISION:

23 (1) REQUIRE A MATCHING FUND FROM ANY COMBINATION OF
24 FEDERAL, COUNTY, MUNICIPAL, OR PRIVATE SOURCES; AND

25 (2) MAY NOT EXCEED 50% OF THE TOTAL COST OF AN
26 AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL PROJECT.

27 (F) (1) THE TRUST AND COMMISSION SHALL REVIEW GRANT
28 APPLICATIONS SUBMITTED IN ACCORDANCE WITH SUBSECTION (D) OF THIS
29 SECTION;

30 ~~(2) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST SHALL~~
31 ~~MAKE RECOMMENDATIONS TO THE COMMISSION REGARDING~~ AND SHALL MAKE
32 RECOMMENDATIONS FOR AFRICAN AMERICAN HERITAGE PRESERVATION
33 CAPITAL PROJECT GRANTS FOR THE NEXT FISCAL YEAR.

1 ~~(3)~~ **(2)** IN MAKING ~~ITS~~ RECOMMENDATIONS UNDER THIS
2 SUBSECTION, THE TRUST AND COMMISSION SHALL CONSIDER:

3 (I) THE PUBLIC NECESSITY AND URGENCY OF A PROJECT;

4 (II) THE NEED FOR ADDITIONAL SOURCES OF FUNDING FOR
5 A PROJECT;

6 (III) THE ESTIMATED COST AND TIMELINESS OF EXECUTING
7 A PROJECT;

8 (IV) THE VIABILITY OF MATCHING FUNDS FOR A PROJECT;
9 AND

10 (V) GEOGRAPHIC DIVERSITY.

11 ~~(4)~~ **(3)** ON OR BEFORE NOVEMBER 1 OF EACH YEAR, THE
12 TRUST AND COMMISSION SHALL:

13 (I) ~~APPROVE~~ RECOMMEND AFRICAN AMERICAN HERITAGE
14 PRESERVATION CAPITAL PROJECTS FOR FUNDING IN THE STATE CAPITAL
15 BUDGET FOR THE NEXT FISCAL YEAR; AND

16 (II) FORWARD THE LIST OF ~~APPROVED~~ RECOMMENDED
17 PROJECTS AND GRANTEES TO THE DEPARTMENT OF BUDGET AND
18 MANAGEMENT.

19 (G) FOR FISCAL YEAR 2012 AND EACH FISCAL YEAR THEREAFTER, THE
20 GOVERNOR SHALL INCLUDE IN THE ANNUAL CAPITAL BUDGET SUBMISSION
21 \$1,000,000 FOR AFRICAN AMERICAN HERITAGE PRESERVATION CAPITAL
22 PROJECTS.

23 (H) ON OR BEFORE OCTOBER 1 OF EACH YEAR, THE TRUST AND
24 COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH §
25 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON
26 STATE GRANTS AWARDED FOR AFRICAN AMERICAN HERITAGE PRESERVATION
27 CAPITAL PROJECTS FOR THE PRIOR FISCAL YEAR.

28 (I) (1) ~~THE~~ EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
29 SUBSECTION, THE TRUST SHALL REQUIRE A GRANTEE UNDER THE AFRICAN
30 AMERICAN HERITAGE PRESERVATION PROGRAM TO ENTER INTO AN
31 AGREEMENT TO PRESERVE AND MAINTAIN THE PROPERTY.

1 **(2) IF THE PROPERTY IS HISTORIC REAL PROPERTY, THE**
2 **AGREEMENT SHALL BE A RECORDABLE HISTORIC PRESERVATION EASEMENT.**

3 **(3) THE SECRETARY MAY WAIVE THE EASEMENT REQUIREMENT**
4 **IF THE SECRETARY DETERMINES THAT AN EASEMENT IS IMPRACTICABLE OR**
5 **INFEASIBLE UNDER THE CIRCUMSTANCES.**

6 **(J) (1) ~~THE TRUST~~ SUBJECT TO PARAGRAPH (2) OF THIS**
7 **SUBSECTION, THE SECRETARY, IN CONSULTATION WITH THE COMMISSION,**
8 **SHALL ADOPT REGULATIONS TO IMPLEMENT THE AFRICAN AMERICAN**
9 **HERITAGE PRESERVATION PROGRAM.**

10 **(2) A PROPOSED REGULATION THAT RELATES TO APPROVAL BY**
11 **THE BOARD OF PUBLIC WORKS OF GRANTS TO BE FINANCED THROUGH THE**
12 **SALE OF STATE GENERAL OBLIGATION BONDS MAY NOT BE ADOPTED UNDER**
13 **PARAGRAPH (1) OF THIS SUBSECTION UNLESS THE REGULATION IS APPROVED**
14 **BY THE BOARD OF PUBLIC WORKS.**

15 **(K) TO THE EXTENT REQUIRED BY REGULATIONS ADOPTED UNDER**
16 **SUBSECTION (J) OF THIS SECTION, THE TRUST AND THE COMMISSION SHALL**
17 **SUBMIT TO THE BOARD OF PUBLIC WORKS FOR THE BOARD’S APPROVAL EACH**
18 **RECOMMENDED AFRICAN AMERICAN HERITAGE PROGRAM GRANT THAT IS TO**
19 **BE FINANCED THROUGH THE SALE OF STATE GENERAL OBLIGATION BONDS.**

20 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the
21 General Assembly that the Maryland Historical Trust and the Commission on African
22 American History and Culture administer the African American Heritage
23 Preservation Program established under this Act using existing resources.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take
25 effect June 1, 2010. It shall remain effective for a period of 5 years and, at the end of
26 May 31, 2015, with no further action required by the General Assembly, this Act shall
27 be abrogated and of no further force and effect.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.